

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTINE M. NAPIERSKI, an aggrieved candidate
for public office in the Democratic Party, and
EUGENE E. NAPIERSKI, an enrolled voter of the
Democratic Party residing in the Town of Guilderland,

Plaintiffs,

vs.

THE GUILDERLAND DEMOCRATIC
COMMITTEE, THE ALBANY COUNTY
DEMOCRATIC COMMITTEE, JACOB
CRAWFORD, Individually and as Chairman or Acting
Chairman, Guilderland Democratic Committee, JACK
FLYNN, individually and as Chairman or Acting
Chairman, Albany County Democratic Committee,
ALBANY COUNTY BOARD OF ELECTIONS,
MATTHEW J. CLYNE, in his official capacity as
Commissioner, Albany County Board of Elections,
RACHEL L. BLEDI, in her official capacity as
Commissioner, Albany County Board of Elections,
BRYAN M. CLENAHAN, Candidate for Guilderland
Town Justice, and GREGORY J. WIER, Candidate for
Guilderland Town Highway Superintendent.

Defendants.

DEFENDANT
GREGORY J. WIER'S
NOTICE OF MOTION
TO DISMISS

Case 1:18-cv-00846

GTS/DJS

PLEASE TAKE NOTICE, upon the accompanying the Declaration of Matthew J. Clyne, with annexed exhibit, and Memorandum of Law, defendant Gregory J. Wier will move this Court at this Court's November 1, 2018 motion return date for an order of dismissal, pursuant to Fed.R.Civ.P. 12(b)(1), upon the ground that the case fails to

present a “live case or controversy,” and, pursuant to Fed.R.Civ.P. 12(b)(6), upon the ground that the complaint fails to state a claim upon which relief may be granted.

PLEASE NOTE THAT response papers shall be filed as required by Local Rule 7.1 and that no oral argument is scheduled for the motion return date unless directed by the Court.

Dated: September 19, 2018

By____s/*Peter G. Barber*_____
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